

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

April 26, 2018
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Ms. Jennifer Ruby, Chairperson
Mr. Nathan Andersen, Vice Chairman
Mr. Bruce Burrows
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Mr. Robert Zamora

MEMBERS ABSENT:

Mr. Greg Arnett
Mr. B.J. Copeland
Mr. Michael Cowley
Mr. Broc Hiatt

STAFF PRESENT:

Mr. Darren Gerard, Planning Deputy Director
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONSENT:

MCP2018001, Z2018013, S2017001, S2017036, Z2018017

REGULAR:

Z2017105

Meeting called to order at 9:42 a.m.

Chairperson Ruby noted there are changes to the agenda. Mr. Gerard said the printed agenda has five consent items, and we need to pull item #4 - S2017036 due to opposition, and item #5 - Z2018017 due to a clerical error. Regular agenda item #6 - Z2017105 has requested a continuance to June 14 and staff concurs with that request. Staff has recommended denial, and the applicant is working on addressing the plan policies that staff pointed out.

Chairperson Ruby said item #6 - Z2017105 Dollar General will not have a public hearing today and we will vote on it as a continuance item.

Chairperson Ruby asked if there were any changes or comments to the March 22 minutes, none.

COMMISSION ACTION: Chairperson Ruby approved the March 22, 2018 minutes as written.

CONTINUANCE AGENDA

Zoning - Z2017105

District 5

Applicant: Gary Johnson, Archicon Architecture
Location: Generally west of Tuthill Rd. (203rd Ave.), approx. 400 ft. south of Elliot Rd. in Rainbow Valley
Request: Zone change from R1-35 to C-2 CUPD – Dollar General

Mr. Gerard presented the Z2017105 and noted the applicant requested a continuance to June 14.

COMMISSION ACTION: Commissioner Zamora motioned to continue Z2017105 to June 14, 2018. Vice Chairman Andersen second. Continued 6-0.

CONSENT AGENDA

Military Compatibility Permit - MCP2018001 (Cont. from 4/12/18)

District 4

Applicant: William F. Allison, Withey Morris, PLC
Location: Generally located at the southwest corner of Loop 303 and Glendale Ave. in the Glendale area
Request: Modification of Conditions to MCP2017001 to add off-site billboards to the approved use list – EH KEMF Cotton 303

Zoning - Z2018013 (Cont. from 4/12/18)

District 4

Applicant: William F. Allison, Withey Morris, PLC
Location: Generally located at the southwest corner of Loop 303 and Glendale Ave. in the Glendale area
Request: Plan of Development for Off-Site/Billboard Signs — EH KEMF Cotton 303

Preliminary Plat - S2017001

District 4

Applicant: Bruce P. Larson, Westland Resources
Location: Generally located at the northwest corner of Glendale Ave. and 127th Ave. in the Glendale area
Request: Preliminary Plat containing 168 residential lots and 15 tracts in the R-5 RUPD zoning district - Luke Landing

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Vice Chairman Andersen motioned to approve the consent agenda, MCP2018001 with conditions 'a'-'k', Z2018013 with conditions 'a'-'h', and S2017001 with conditions 'a'-'s'. Commissioner Montoya second. Approved 6-0.

MCP2018001 conditions;

- a. Development of the site shall be in conformance with the Narrative Report entitled, "EH KEMF Cotton 303, LLC Industrial and Commercial Entitlements SWC Loop 303/Glendale Avenue", consisting of 47 pages, dated and

stamped received April 13, 2018", except as modified by the following conditions.

- b. The following industrial land uses shall be allowed within the 65 – 69 and 70 – 74 Ldn pursuant to MCZO:

Transportation, communications and utilities

1. Motor vehicle parking
2. Communications facilities, including but not limited to communications towers
3. Utilities

Other Communications

1. Off-Site/Billboard Signs

Commercial/retail trade

1. Wholesale trade
2. Building materials – retail
3. General merchandise – retail
4. Food – retail
5. Liquor – retail
6. Automotive and marine
7. Gasoline service stations
8. Apparel and accessories – retail
9. Eating and drinking places
10. Furniture and home furnishings – retail
11. Landscape materials, equipment and supplies – retail
12. Construction equipment – sales, service and rental
13. Other retail trade

Personal & business services

1. Business services
2. Repair services
3. Contract construction services
4. Indoor recreation services
5. Self-storage facilities
6. Other services

Industrial/manufacturing

1. Food and kindred products
2. Textile mill products
3. Apparel
4. Lumber and wood products
5. Landscape materials – wholesale
6. Furniture and fixtures
7. Paper and allied products
8. Printing and publishing
9. Chemicals and allied products

10. Rubber and miscellaneous plastic
 11. Stone, clay and glass products
 12. Primary metal industries
 13. Fabricated metal products
 14. Professional, scientific and controlling instruments
 15. Truck terminals, including service and storage
 16. Warehousing, storage and distribution facilities
 17. Miscellaneous manufacturing
- c. No use shall interfere with the flight operations at Luke Air Force Base.
- d. The developer shall submit FAA Form 7460-1 to the FAA Regional Office to establish allowable building/structure heights up to a maximum of 70'.
- e. The following Planning Engineering conditions shall apply:
1. 65' half-width ROW dedication along the W. Glendale Avenue site frontage of APN 501-03-010D will be required.
 2. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access, roadway alignments and other future required right-of-way dedications. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 3. A Traffic Impact Study to address traffic impacts, additional right-of-way dedications and roadway improvements required to support the proposed development must be submitted with the Plan of Development application.
 4. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for Plan of Development approval and acquisition of building permits.
- f. The property owner shall submit a 'will serve' letter from Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- g. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and

Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.

- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.
- k. The following standard deviations shall apply:
 - 1. The height of the billboards shall not exceed 50'.
 - 2. Such sign shall not exceed 672 square feet, double faced or v-shaped; embellishments permitted up to 10 percent of sign area.
 - 3. Off-site/billboard signs may have a front yard depth of 0' abutting any major street, section line road, State or Federal highway.
 - 4. Such sign shall maintain a distance separation from any other off-site sign of 823 feet; this standard shall apply only to the separation between two (2) such signs on the property.

Z2018013 conditions;

- a. Development of the site shall be in conformance with the Plan of Development entitled "Plan of Development EH KEMF Cotton 303, LLC", consisting of 3 sheets, dated April 13, 2018, and stamped received April 13, 2018.
- b. Development of the site shall be in conformance with the Narrative Report entitled, "EH KEMF Cotton 303, LLC", consisting of 34 pages, dated April 13, 2018 and stamped received April 13, 2018, except as modified by the following conditions.
- c. No use shall interfere with the flight operations at Luke Air Force Base.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- e. The applicant/property owner shall provide a copy of the ADOT Permit for the billboard as part of the initial construction submittal.
- f. The following standard deviations shall apply:
 - 1. The height of the billboards shall not exceed 50'.
 - 2. Such sign shall not exceed 672 square feet, double faced or v-shaped; embellishments permitted up to 10 percent of sign area.
 - 3. Off-site/billboard signs may have a front yard depth of 0' abutting any major street, section line road, State or Federal highway.
 - 4. Such sign shall maintain a distance separation from any other off-site sign of 823 feet; this standard shall apply only to the separation between two (2) such signs on the property.
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

S2017001 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Luke Landing 4" consisting of 3 full-size sheets, dated March 20, 2018, and stamped received March 23, 2018, except as modified by the following conditions.

- b. Development and use of the site shall comply with the Narrative Report entitled "Preliminary Plat Narrative; Luke Landing", consisting of 33 pages, dated October 10, 2017, and stamped received February 21, 2018, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Luke Landing", consisting of 5 sheets, dated January 3, 2017, and stamped received February 21, 2018, except as modified by the following conditions.
- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to and approved by the Planning and Development Department.
- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. The Final Plat shall include dedication of right-of-way as required by the related request Z2015001 and as deemed necessary by the Maricopa County Department of Transportation (MCDOT) unless the required dedication has been completed by deed of dedication prior to the final plat approval.
- i. Prior to or concurrent with the submittal of a Final Plat for any portion or phase of this development, a traffic impact analysis must be provided as deemed necessary by the Maricopa County Department of Transportation (MCDOT).
- j. The following Engineering conditions shall apply:
 - 1. Prior to approval of the final plat and infrastructure plans, the applicant shall demonstrate the obtaining of a permit from the City of Glendale for work within the Glendale Ave right-of-way.
 - 2. The applicant shall provide a total half-width of right-of-way for the following roadway:

Glendale Ave. as required by City of Glendale
127th Ave. 40 feet

All such dedications to Maricopa County shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

3. Construct ultimate half-width improvements on adjacent perimeter roadways with subdivision. 127th Ave. shall meet County Standards in effect at time of permitting.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
- l. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Rural Metro Fire Department servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- n. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be displayed on the front door in the sales office, written in the covenants, conditions

and restrictions (CC&Rs), and written in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification shall include such results.

- o. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- p. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation.

When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- q. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- r. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- s. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

REGULAR AGENDA

Preliminary Plat - S2017036

District 4

Applicant: EPS Group, Inc.
Location: Approx. quarter-mile north of the northwest corner of Glendale Ave. and El Mirage Rd. in the Glendale area
Request: Preliminary Plat containing 153 residential lots and 10 tracts in the R-5 RUPD zoning district - Marbella Ranch Parcel 4

Mr. Gerard presented S2017036 and noted it was pulled from the consent agenda due to an opposition letter received from Dysart Unified School District. The opposition is due to lack of an agreement between the school district and the developer. The staff recommendation to the Commission cannot consider voluntary quality of life assessments or development impact fees because the County does not have across the board development impact fees. This is something that can be separately discussed between those parties. There was a question whether or not the school district was notified of this plat, but they are aware now. The Commission needs to consider whether

or not a continuance is appropriate for the school district to review and discuss the plat with the developer.

Mr. Dan Auxier, said he is the civil engineer on the project with EPS Group, and just prior to the meeting this issue came to their attention. He did discuss the concerns with Mr. Shipman, the school district representative who will be speaking on the district's behalf.

Mr. Kevin Shipman said he is the planning administrator for Dysart United School District. Last night the district sent a letter by e-mail and fax to the planning and zoning commission regarding their objection. In 2014 there was quite a bit of communication with Marbella Ranch Limited Partnership regarding the development and assistance agreement. The developers and owners would support the district and the new student population the development would bring in. Half of the failure to continue that conversation is on the district's part where we did not continue that communication with the owners. In the summer when he started working with the school district he noticed a sale of property and the development with phase 1 and 2 on Marbella Ranch. He started communicating with the owners trying to get this process continued again, but he received little to no communication or responses from the owners. He also sent a letter that was copied to planning and zoning noting we would have an issue with continued development of the project if the conversation wasn't continued. This is why they submitted an objection letter. This morning he was happy to have a conversation with the applicant where they were unaware of the situation. We were able to have a conversation and appreciate there are not impact fees. They rely on the interest of local jurisdiction with the county and cities to assist in the new student populations and they certainly do not want to slow up the important work of this development process. They have found a resolution and will be able to communicate. After the hearing he will formalize a letter to the Commission and to the Planning and Zoning Department that they no longer oppose this application and look forward to working with them.

COMMISSION ACTION: Commissioner Burrows motioned to approve S2017036 with conditions 'a'-'s'. Commissioner Lindblom second. Approved 6-0.

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Marbella Ranch Parcel 4" consisting of 2 full-size sheets, dated March 20, 2018, and stamped received March 23, 2018, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Narrative Report for Marbella Estates Parcel 4", consisting of 6 pages, dated February 6, 2018, and stamped received February 8, 2018, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Marbella Parcel 4", consisting of 2 sheets, dated March 13, 2018, and stamped received March 23, 2018, except as modified by the following conditions.

- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to and approved by the Planning and Development Department.
- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. The Final Plat shall include dedication of right-of-way as required by the related request Z2014011 and as deemed necessary by the Maricopa County Department of Transportation (MCDOT) unless the required dedication has been completed by deed of dedication prior to the final plat approval.
- i. Prior to or concurrent with the submittal of a Final Plat for any portion or phase of this development, a traffic impact analysis must be provided as deemed necessary by the Maricopa County Department of Transportation (MCDOT).
- j. The following Engineering conditions shall apply:
 - 1. Drainage corridors shall be designed to convey the 100-year flow with a minimum of 1-foot of freeboard.
 - 2. The applicant shall provide a total half-width of right-of-way for the following roadways:

El Mirage Rd.	65 feet
Myrtle Ave.	30 feet
 - 3. All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not

limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

4. Right-of –Way dedication shall occur prior to zoning clearance for any building permits.
 5. Construct ultimate half-width improvements on adjacent perimeter roadways with subdivision. El Mirage Rd. shall be constructed to section shown on the plan from the Dysart Drain to Glendale Ave. or as otherwise required by MCDOT. Roadways shall meet County Standards in effect at time of permitting.
 6. Infrastructure plans shall include MCDOT-approved roadway widening and tapers for El Mirage Rd. within the Bureau of Reclamation property (the Dysart Drain), unless otherwise waived by MCDOT.
 7. Roadway tapers at the intersection of 124th Lane and Heather Drive will be required. The taper design shown on the preliminary plat may require revisions as part of the final design pending the establishment of design speeds and other design considerations for the subdivision road network.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
- l. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Rural Metro Fire Department servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- n. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth

fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be displayed on the front door in the sales office, written in the covenants, conditions and restrictions (CC&Rs), and written in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification shall include such results.

- o. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- p. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation.

When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- q. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- r. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- s. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Special Use Permit - Z2018017

District 5

Applicant:	Scott Johnson, HOA President
Location:	Generally located approx. 430' north of the intersection of 27th Ave. and Ceton Dr. Hanger Haciendas Subdivision
Request:	Modification of Conditions to SUP (Z98-72) to indefinitely extend the SUP and modify the area covered by the SUP to cover only the runway and aviation tracts (Tracts B, C, D, and E) – Hanger Haciendas

Mr. Gerard presented Z2018017 and noted the recommendation is for approval with conditions 'a'-'f' as outlined in the staff report, and what should be paragraph 24

appears to be numbered 'd'. Stipulation 'a' needs to be revised per the handout so the date reads March 2018 and stamped received March 13, 2018. This is an updated exhibit that should be referenced in stipulation 'a'.

Chairperson Ruby asked if the applicant would like to speak. The applicant declined to speak.

COMMISSION ACTION: Commissioner Zamora motioned to approve Z2018017 with conditions 'a'-'f' and modification to condition 'a'. Commissioner Montoya second. Approved 6-0.

- a. Development and use of the site shall comply with the Site Plan entitled "Hanger Haciendas Special Use Permit Exhibit", consisting of one sheet, dated ~~November 2017~~, **March 2018**, and stamped received ~~February 6,~~ **March 13, 2018**, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Hanger Haciendas SUP", consisting of 10 pages, updated March 12, 2018, and stamped received March 13, 2018, except as modified by the following stipulations.
- c. The Special Use Permit shall be permitted indefinitely from the date of approval by the Board of Supervisors. If there is a termination of the current use all site improvements shall be removed within 90 days of such termination. A re-plat may also be deemed necessary by the Planning and Development Department.
- d. For changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. The Planning and Development Department, Project Management Division may administratively approve minor changes.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess

the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Chairperson Ruby adjourned the meeting at 9:56 a.m.

Prepared by Rosalie Pinney
Recording Secretary / Administrative Assistant
April 26, 2018